

the present amendment. Furthermore, dependent claims 2, 10, 18 and 27 have been amended merely to rewrite the claims in independent form. Claims 2, 10, 18 and 27, thus, have not been narrowed by the present amendment. Claims 7-8 have been amended to depend from claim 10. Claims 15 and 16 have been amended to depend from claim 18. Claims 26 and 28 have been amended to depend from claim 27. New Claims 32-34 have been added. Claims 2-5, 7-13, 15-24, 26-28 and 32-34 are pending. Reconsideration of the outstanding rejections of claims 2-5, 7-13, 15-24, 26-28 and 32-34 is respectfully requested in view of the following remarks.

Applicant first notes that an initialed copy of the Information Disclosure Citation (form PTO-1449), which was filed with the application, has not been received with any of the Office Actions to date. Applicant respectfully requests that the Examiner acknowledge consideration of the documents cited on the previously filed PTO-1449.

The Office Action rejects claims 1-31 under 35 U.S.C. § 102(e) as allegedly being anticipated by SANDELMAN *et al.* (U.S. Patent No. 6,211,782). Applicant respectfully submits that SANDELMAN *et al.* does not suggest or disclose the features recited in the claims and, therefore, cannot anticipate the claimed inventions.

SANDELMAN *et al.* discloses a system for monitoring remote heating, ventilating, and cooling (HVAC) equipment that enables a user to specify the message media (e.g., facsimile, e-mail, cell phone) that the system will use to contact the user for reporting the existence of "exception conditions" derived from sensors located at the HVAC equipment. Such "exception conditions" may occur when a piece of equipment operates outside of preferred parameters (see

column 4, lines 16-29). As disclosed in FIG.1, the HVAC equipment may consist of air conditioners (2), boilers (3), motor starters (4) or heaters (5).

To use the system of SANDELMAN *et al.*, a user may access a message delivery server (1) via the Internet and modify a "message profile" that specifies which exception conditions will be reported to which individuals via various message media (see column 5, lines 16-36). When such exception conditions occur, the message delivery server transmits messages to the individuals specified in the message profile via a message media further specified in the message profile (see column 8, lines 17-19). Therefore, when components of HVAC equipment operates outside of its preferred parameters, individuals specified in the message profile are contacted so that remedial action can be undertaken.

In contrast to SANDELMAN *et al.*, claim 5 recites the features "wherein said one or more subscriber defined alarm conditions includes one or more geographic boundaries associated with a location of said first communication device." SANDELMAN *et al.* merely discloses the monitoring of fixed location HVAC equipment. SANDELMAN *et al.* does not contain any suggestion or teaching of alarm conditions that include geographic boundaries associated with a location of a communication device. Applicant, therefore, respectfully requests withdrawal of the rejection of claim 5 under 35 U.S.C. § 102(e). Applicant notes that the Office Action fails to point out the specific portions of SANDELMAN *et al.* that allegedly disclose the features recited in the claim. If the Examiner persists in maintaining the current grounds of rejection, Applicant respectfully requests that the Examiner point out the specific portions of the applied reference that allegedly teach the features recited in the claims.

Claim 2 recites the feature "fourth data indicating a permissible geographic area associated with said device" that is similar to the feature discussed above with respect to claim 5.

Withdrawal of the rejection of claim 2 is respectfully requested for similar reasons to those set forth with respect to claim 5.

Claims 3 and 4 depend from claim 2. These claims, therefore, patentably distinguish over SANDELMAN *et al.* for at least the reasons set forth above with respect to claim 2. In addition, these claims include other features not suggested or disclosed by SANDELMAN *et al.* For example, claim 4 recites the feature "fifth data associated with said one or more methods of contacting said subscriber, said fifth data indicating an order of selecting said one or more methods when contacting said subscriber." This feature is not disclosed or suggested by SANDELMAN *et al.*

Claims 10, 12, 13, 18, 20, and 21 recite "alarm conditions" that include "one or more geographic boundaries associated with a location of the said first communication device" that is similar to the features discussed above with respect to claim 5. Claims 10, 12, 13, 18, 20, and 21, therefore, patentably distinguish over SANDELMAN *et al.* for similar reasons to those set forth with respect to claim 5.

Claims 7-9 and 11 depend from claim 10. These claims, therefore, patentably distinguish over SANDELMAN *et al.* for at least the reasons set forth above with respect to claim 10. In addition, these claims include other features not suggested or disclosed by SANDELMAN *et al.* For example, claim 11 recites the features "wherein said one or more subscriber defined alarm

conditions includes time period data corresponding to each of said one or more geographic boundaries.” These features are not disclosed or suggested by SANDELMAN *et al.*

Claims 15-17 and 19 depend from claim 18. These claims, therefore, patentably distinguish over SANDELMAN *et al.* for at least the reasons set forth above with respect to claim 18. In addition, these claims include other features not suggested or disclosed by SANDELMAN *et al.* For example, claim 19 recites the features “wherein said subscriber-selected alarm conditions includes time period data corresponding to each of said one or more geographic boundaries.” These features are not disclosed or suggested by SANDELMAN *et al.*

Independent claims 22-24 recite, among other features, the feature receiving “location and sensor data associated with” a communication device. SANDELMAN *et al.* discloses the monitoring of various operating parameters of fixed location HVAC equipment, such as pressure, air flow, fan motion, compressor function, or condensate spill (see column 6, lines 46-56). SANDELMAN *et al.* contains no suggestion or teaching of the monitoring of a location of HVAC equipment. SANDELMAN *et al.*, therefore, does not anticipate the inventions recited in claims 22-24.

Claim 27 recites the features “a third graphical area associated with said third data entry group requesting data indicating one or more permissible geographic areas, said permissible geographic areas specifying boundaries on a location of said device.” These features are similar to those discussed above with respect to claim 5. Claim 27, therefore, patentably distinguishes over SANDELMAN *et al.* for similar reasons to those set forth with respect to claim 5.

Claims 26 and 28 depend from claim 27. These claims, therefore, patentably distinguish over SANDELMAN *et al.* for at least the reasons set forth above with respect to claim 27.

New claim 32 recites the features "wherein said data comprises at least one of oxygen level, pulse rate, and blood oxygen level data." New claims 33-34 recite, among other features, the features "wherein said data is associated with at least one of an oxygen level, a pulse rate, and a blood oxygen level." As previously discussed, SANDELMAN *et al.* merely discloses the monitoring of various operating parameters of HVAC equipment, such as pressure, air flow, fan motion, compressor function, or condensate spill (see column 6, lines 46-56). SANDELMAN *et al.* contains no suggestion or teaching of the monitoring of oxygen level, pulse rate or blood oxygen level. SANDELMAN *et al.*, therefore, does not anticipate the inventions recited in claims 32-34.

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims. If any questions remain, the Examiner is invited to contact the undersigned at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 07-2339 and please credit any excess fees to such deposit account.

Respectfully submitted,

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